

REMARKS

Claims 1-40 are currently pending in the subject application and are presently under consideration. Claims 1 and 26 have been amended as shown on pp. 2-8 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Telephonic Interview 2/21/2008

Applicants' representative thanks the Examiner for courtesies extended during the interview conducted *via* telephone on February 21, 2008, wherein aspects of the claimed subject matter, particularly concerning the phrase "provide secure communication" events or decisions in light of VanEriach, were discussed. Additionally, potential amendments to overcome the outstanding rejection under 35 U.S.C. §101 were also discussed.

II. Objection to Claim 26

Claim 26 refers to "...the security component..." and lacks antecedent basis.

Correction is made with the subject amendment. Therefore, this rejection should be withdrawn.

III. Rejection of Claim 12 Under 35 U.S.C. §112

Claim 12 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 26 refers to "...the security component..." which is not described in the specifications.

The claim has been amended to remove the objected term. Therefore, this rejection should be withdrawn.

IV. Rejection of Claims 2-40 Under 35 U.S.C. §112

Claims 2-40 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. These claims are written as actions, while claim 1 refers to a system with various components.

Correction has been made with the subject amendment. Withdrawal of this rejection is earnestly solicited.

IV. Rejection of Claims 1-40 Under 35 U.S.C. §101

Claims 1-40 stand rejected under 35 U.S.C. §101 because they refer to component(s), which are programs per se, as described in the specifications, page 4, line 29 through page 5, line 5.

Claim 1 has been amended to correct any deficiencies related to the rejection. Reconsideration and withdrawal of the outstanding rejection under 35 U.S.C. § 101 is thus respectfully requested.

V. Rejection of Claims 1-6, 8-18, 22-35 and 40 Under 35 U.S.C. §102(e)

Claims 1-6, 8-18, 22-35 and 40, as interpreted, stand rejected under 35 U.S.C. §102(e) as being anticipated by VanEriach (US PG-PUB 20040204063). Withdrawal of the rejection is requested for at least the following reasons. VanEriach does not disclose, teach, or suggest each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. § 102 requires that “*each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.*” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The subject claims relate to a global framework for mobile commerce. In particular, the system provides data input to receive purchase information, location aware transaction, real-time bidding from item on a personal shopping list, and seamless connectivity with an online agent while maintaining privacy in the commerce transaction. To this end, independent claim 1, as amended recites: a coordination component that presents the article of commerce **from a shopping list** to a vendor for bid; and a payment

component that facilitates payment of the article of commerce and provides secure communication.

As described in further detail below, VanEriach fails to teach or suggest at least such claimed aspect of the subject invention. VanEriach relates to a plurality of enhanced telecommunication services. Specifically, VanEriach discloses methods of : 1) determining location-based product price and availability using a wireless device; 2) vital signs and location monitoring; and 3) creating and maintaining an event future markets. However VanEriach is silent with regards to *a coordination component that presents the article of commerce from a shopping list to a vendor for bid*; and *a payment component that facilitates payment of the article of commerce and provides securecommunication.*

First, under the methods of determining location-based product price and availability using a wireless device, VanEriach merely discloses a way for users to query price and availability of product using their wireless device. VanEriach states: “**user reads or enter a product code with or into a wireless device** ... that allows a price and inventory lookup within a user-defined distance from the geographical position of the device...” In another words, user have to enter the product code of the product they wish to query one at a time. VanEriach is completely silent with regards to *a coordination component that presents the article of commerce from a shopping list to a vendor for bid*. In clear contrast, the method as disclosed by VanEriach does not keep track of a list of desired product for bid, but merely have users enter product information at each query.

Second, under the method of vital signs and location monitoring, VanEriach merely teaches monitoring of vital sign parameters such as body temperature, distance and emergency contact information. However, VanEriach is again silent with regards to a shopping list of article of commerce for bid.

Third, under the method of creating and maintaining an event future markets, VanEriach also fails to teach at least such novel aspect of the claimed invention. According to VanEriach, subscribers can enter estimates of the outcome of a future event and users with the closest estimate to actual may be eligible to win prizes. Alternatively, users may also buy and sell this future security by bid method. However, VanEriach fail to teach or suggest presenting *the article of commerce from a shopping list to a vendor for bid* and providing *secure communication*. While VanEriach described in great details

regarding composite indices of product futures and providing user with sale information, VanEriach is completely silent in regards to providing any sort of secured communication to users. Thus, VanEriach cannot be said to teach or suggest a coordination component that presents the article of commerce from a shopping list to a vendor for bid; and a payment component that facilitates payment of the article of commerce and provides secure communication, as recited by claim 1.

In view of at least the foregoing, applicants' representative respectfully submits that VanEriach cannot be said to describe the subject invention as recited in independent claim 1. Claims 2-40 depend from claim 1, and are believed allowable at least for the same reasons as their respective base claims. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) is respectfully requested.

IV. Rejection of Claim 7 Under 35 U.S.C. §103(a)

Claim 7, as interpreted, stands rejected under 35 U.S.C. §103(a) as being unpatentable over VanEriach in view of Gellman (US PG-PUB 2002/0035536). Withdrawal of the rejection is requested for at least the following reasons.

Independent claim 1 is believed allowable because VanEriach fails to teach or suggest “a coordination component that presents the article of commerce from a shopping list to a vendor for bid; and a payment component that facilitates payment of the article of commerce and provides secure communication.” Claim 7 depends from claim 1, and is believed allowable for at least the same reasons. Accordingly, reconsideration and withdrawal of the rejections to claim 7 is earnestly solicited.

IV. Rejection of Claims 19-21 Under 35 U.S.C. §103(a)

Claims 19-21, as interpreted, stand rejected under 35 U.S.C. §103(a) as being unpatentable over VanEriach in view of Freund (US PG-PUB 20030187787).

Freund does not make up for the aforementioned deficiencies of VanEriach with respect to independent claim 1. Claims 19-21 depend from claim 1, and are believed allowable for at least the same reasons claim 1 is patentably distinct from the cited art. Accordingly, reconsideration and withdrawal of this rejection is earnestly requested.

IV. Rejection of Claim 38 Under 35 U.S.C. §103(a)

Claim 38, as interpreted, stands rejected under 35 U.S.C. §103(a) as being unpatentable over VanEriach in view of Grunes et al. (US PG-PUB 2002/0113707).

Withdrawal of this rejection is requested for at least the following reasons. Claim 38 depends from independent claim 1. As stated *supra*, VanEriach does not disclose or suggest every limitation set forth in the subject independent claim. Grunes et al. does not cure the aforementioned deficiencies of VanEriach. Therefore, this rejection should be withdrawn.

IV. Rejection of Claim 39 Under 35 U.S.C. §103(a)

Claim 39, as interpreted, stands rejected under 35 U.S.C. §103(a) as being unpatentable over VanEriach in view of Hoffberg (US 6791472).

Withdrawal of this rejection is requested for at least the following reasons. Claim 39 depends from independent claim 1. VanEriach does not disclose or suggest every limitation set forth in the subject independent claim, as stated *supra*. Hoffberg fails to cure the aforementioned deficiencies, therefore this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731